

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANN BURTON,

Plaintiff,

-against-

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES (AFGE) 1988, *et al.*,

Defendants.
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ORDER

11-CV-1416 (SLT) (LB)

TOWNES, United States District Judge:

In March 2011, plaintiff Ann Burton, proceeding *pro se*, commenced this action against her former union and three union officers. On August 20, 2012 – five days after this Court issued a memorandum and order granting in part and denying in part defendants’ motion to dismiss – Magistrate Judge Bloom issued an order scheduling a status conference for September 12, 2012. When plaintiff failed to appear at that conference, Judge Bloom issued another order, which directed plaintiff to provide the Court with her current address by October 15, 2012. That order warned plaintiff that if she failed to comply, Judge Bloom would recommend that this action be dismissed.

Copies of Judge Bloom’s order and this Court’s memorandum and order were mailed to plaintiff, but were returned as undeliverable. However, plaintiff finally complied with Judge Bloom’s order in a letter dated December 18, 2012, which provided a temporary mailing address in Orlando, Florida. On January 2, 2013, Judge Bloom responded to plaintiff’s letter by issuing yet another order, directing plaintiff to appear at a status conference on February 12, 2013. That order expressly warned plaintiff that Judge Bloom would recommend that this action be dismissed if she failed to appear at that conference or to request an adjournment.

When plaintiff failed to appear at the February 12, 2013, conference or to request an adjournment, Judge Bloom issued a report and recommendation dated February 14, 2013 (the "R&R"), in which she recommended that plaintiff's case be dismissed pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure. The R&R expressly advised plaintiff that she had 14 days from service of the R&R in which to file written objections. According to the docket sheet, a copy of the R&R was mailed to plaintiff's last reported address on February 14, 2013, and has not been returned as undeliverable.

To date, however, this Court has received no objections or other response from plaintiff. Since a district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed, *see Thomas v. Arn*, 474 U.S. 140, 150 (1985), this Court now adopts Magistrate Judge Bloom's report and recommendation dated February 14, 2013, in its entirety as the opinion of the Court. *See* 28 U.S.C. § 636(b)(1). This action is dismissed with prejudice pursuant to Rules 16(f) and 37(b)(2)(A)(v) of the Federal Rules of Civil Procedure and the Clerk of Court is directed to close this case.

SO ORDERED.

s/ SLT

SANDRA L. TOWNES
United States District Judge

Dated: March 7, 2013
Brooklyn, New York